

## REMARKS

Applicant respectfully request reconsideration of this application as amended. Claims 1, 3, 7, 12, 14, 18, 22, 24 and 28 have been amended. Claims 2, 4-6, 8-11, 13, 15-17, 19-21, 23, 25-27 and 29-31 have been cancelled without prejudice. New claims 32-43 have been added. Therefore, claims 1, 3, 7, 12, 14, 18, 22, 24, 28 and 32-43 are presented for examination. The following remarks are in response to the final Office Action, mailed July 14, 2009.

### 35 U.S.C. § 103 Rejection

Claims 1-3, 6-14, 17-24 and 27-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jung, U.S. Patent No. 6,308,208 ("*Jung*") in view of Renaud, U.S. Publication No. 2003/0069969 ("*Renaud '969*") and further in view of Java™ Management Extensions Instrumentation and Agent Specification, v1.0 ("*JMX v1.0*") and further in view of Renaud, U.S. Publication No. 2003/0061247 ("*Renaud '247*").

Claim 1 recites:

A computer system comprising:

an application server having a plurality of application levels including management level, agent level, and instrumentation level, the agent level having a management bean ("MBean") server associated with server nodes of the application server, the MBean server to provide monitor MBeans being generated by a monitor service, the monitor MBeans being arranged in a hierarchical monitor tree having each monitor MBean representing a node of the monitor tree; and

the instrumentation level having resource MBeans and their corresponding resources, each resource MBean capable of monitoring its uniquely identified corresponding resource exclusively at the instrumentation level, each resource MBean being further capable of collecting monitoring data relating to its uniquely identified corresponding resource and providing the monitoring data to the monitor MBeans, wherein the resource MBeans are mapped to the monitor MBeans via nodes of the monitor tree such that each monitor MBean at the agent level is capable of receiving monitoring data relating to a resource from its corresponding resource MBean at the instrumentation level.  
(emphasis added)

The Examiner has been relying on *Renaud '969* and *Renaud '247* (see office action, mailed 11/20/08 (“OA”), pages 4-5) and now adds *JMX v1.0* (see office action, mailed 07/14/09 (“final OA”), page 5) to allegedly make up for the deficiencies of *Jung*. Applicant respectfully disagrees with the Examiner’s characterization of the references and the pending claims and contends that the pending claims are allowable over the cited references. Nevertheless, for the sake of expediting issuance of this case, Applicants propose new amendments and submit the following remarks.

The Examiner acknowledges that *Jung* does not support *a number of limitations* of claim 1, such as (1) mapping of the resource MBeans with the monitor MBeans; (2) establishing a link between each of the monitor MBeans and its uniquely identified corresponding resource such that each monitor MBean receives monitoring data relating to its corresponding resource from its associated resource MBean; and (3) that the MBean servers comprise monitor MBeans generated by a monitor service as recited by claim 1, but relies on *Renaud '969* and *JMX v1.0* for the alleged support (*see* final OA, pages 4-5).

In paragraphs 12-13 of *Renaud '969* as referred to by the Examiner, *Renaud '969* discloses *an application server having a number of MBeans “represent[ing] a different number of different manageable resource”* and further *having an MBean server that “includes a set of services for managing MBeans”* (*see Renaud '969*, para. 12-13; emphasis added). Although *Renaud '969* discloses having an *MBean server* and *MBeans*, it is irrelevant to and does not teach employing monitor MBeans and resource MBeans in such a way that each resource MBean capable of monitoring its uniquely identified corresponding resource exclusively at the instrumentation level, each resource MBean being further capable of collecting monitoring data relating to its uniquely identified corresponding resource and providing the monitoring data to the monitor MBeans as

recited by claim 1.

Merely having *MBeans* associated with an *MBean server* (as disclosed by *Renaud '969*) does not automatically include employing and mapping of two distinct forms of *MBeans* (*monitor MBeans and resource MBeans*) that perform distinct functions relating to monitoring of resources (as recited by claim 1).

The Examiner then relies on *JMX v1.0* for the alleged support. Applicant respectfully suggests the Examiner is *mischaracterizing* the cited reference. As an initial matter, Applicant mentions the JMX Specification in the present Application (*see* Application, pages 5 and 9-11; *see also* Figure 2). The Application contains an entire section, namely “Java Management Extensions” on pages 9-11, which describes the JMX architecture; more particularly, JMX Specification version 1.2.1 which is a version newer than the one cited by the Examiner. *JMX v1.0* merely provides an *introduction to the JMX architecture* which is already disclosed in the Application (*see JMX v1.0*, page 17; *see also* Application, pages 9-11). For example, the Examiner refers to page 133 of *JMX v1.0* and recites a section from page 133 of the reference (*see* final OA, page 5), but that is merely the *definition of monitoring services* being performed using Java-based components as the reference itself acknowledges by reciting: “[a]s a whole **they are referred to as the monitoring services**” (*JMX v1.0*, page 133). *JMX v1.0* does not provide any teaching or reasonable suggestion of employing and mapping of two distinct forms of *MBeans* (*monitor MBeans and resource MBeans*) that perform distinct functions relating to monitoring of resources as recited by claim 1.

On page 5 of the *final OA*, the Examiner states “*Jung* does not teach that the *monitor MBeans are installed by a central monitor based on monitor configuration data at a central database*” (final OA, page 5). Applicant submits that the statement is a

*mischaracterization* of claim 1. Claim 1 does not contain any language suggesting “monitor MBeans are *installed* by *central* monitor based on monitor *configuration data* as a *central database*”. Therefore, Applicant contends that this rejection of claim 1, based on *Renaud* ‘247, is moot.

Applicants propose additional amendments to the pending claims. Claim 1, as amended, further recites:

an application server having a plurality of application levels including management level, agent level, and instrumentation level, the agent level having a management bean (“MBean”) server associated with server nodes of the application server . . . the instrumentation level having resource MBeans and their corresponding resources, each resource MBean capable of monitoring its uniquely identified corresponding resource exclusively at the instrumentation level and resource MBeans are mapped to the monitor MBeans via nodes of the monitor tree such that each monitor MBean at the agent level is capable of receiving monitoring data relating to a resource from its corresponding resource MBean at the instrumentation level  
(emphasis added)

None of the references cited by the Examiner teach or reasonably suggest multiple application levels of an application server such that monitoring of the resources is performed exclusively at the instrumentation level, while the monitor MBeans being at the agent level receive the monitoring information at the agent level. *Jung*, *Renaud* ‘969, *Renaud* ‘247, and *JMX v1.0*, neither individually nor when combined in any combination, teach or reasonably suggest all the limitations of claim 1. Accordingly, for at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 12 and 22 contain limitations similar to those of claim 1. Accordingly, for at least the reasons set forth above with reference to claim 1, Applicant respectfully requests the withdrawal of the rejection of claims 12 and 22 and their dependent claims.

Claims 4-5, 15-16, and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Jung* in view of *Renaud* '969, further in view of *JMX v1.0*, further in view of *Renaud* '247 and further in view of Tsun, U.S. Publication No. 2004/0148610 ("*Tsun*").

Claims 4-5, 15-16 and 25-26 depend from one of claims 1, 12 and 22 and thus include all the limitations of the corresponding base claim. Accordingly, for at least the reasons set forth above with reference of claim 1, Applicant respectfully requests the withdrawal of the rejection of claims 4-5, 15-16 and 25-26.

### **New Claims**

New claims 32-43 depend from one of claims 1, 12 and 22 and thus include all the limitations of the corresponding base claim. Accordingly, for at least the reasons set forth above with reference to claim 1, Applicants contend that the dependent claims are allowable over the cited references.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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